

From: [Moser, Sandra](#)
To: [PSC Contact](#)
Subject: FW: [External] Re: FILED: Duke Energy Progress, LLC's Answer and Motion to Dismiss the Complaint (Baker v. DEP - DN 2022-155-E)
Date: Wednesday, May 25, 2022 2:40:51 PM
Attachments: [image001.png](#)
[image.png](#)

From: Mark Baker <mbaker@softlights.org>
Sent: Wednesday, May 25, 2022 2:40 PM
To: Moser, Sandra <Sandra.Moser@psc.sc.gov>
Cc: Grube-Lybarker, Carri <clybarker@scconsumer.gov>; Hall, Roger <rhall@scconsumer.gov>; Rhaney, Donna L <drhaney@ors.sc.gov>; PSC_LegalFilings <legalfilings@psc.sc.gov>; Samuel Wellborn <sam.wellborn@duke-energy.com>; Katie Brown <katie.brown2@duke-energy.com>; Lisle Traywick <ltraywick@robinsongray.com>; Jacqueline Wilson <jacqueline.wilson@duke-energy.com>; Walton, Kimberly <Kimberly.Walton@duke-energy.com>; Satterfield, Kristen <Kristen.Satterfield@duke-energy.com>; Toni Hawkins <thawkins@robinsongray.com>; Piersall, Lyndsay McNeely <Lyndsay.McNeely@duke-energy.com>; Missy Maile <eileurt@yahoo.com>
Subject: [External] Re: FILED: Duke Energy Progress, LLC's Answer and Motion to Dismiss the Complaint (Baker v. DEP - DN 2022-155-E)

Dear South Carolina Public Service Commission,

The Mission Statement for the SCPSC states, "**To Serve The Public Of South Carolina** By Providing Open And Effective Regulation And Adjudication Of The State's Public Utilities, Through Consistent Administration Of The Law And Regulatory Process."

A member of the public who lives in South Carolina and is being harmed by toxic LED streetlights operated by Duke Energy Progress contacted the Soft Lights Foundation for assistance. Because of our technical expertise on this matter, we offered to help. Duke Energy Progress has failed at every opportunity to provide an answer to the simple question: **Is the light from an LED streetlight the same or better quality as the light from HPS streetlight?**



Since Duke Energy Progress refuses to answer this simple, but critical question, I contacted the South Carolina Office of Regulatory Staff, who directed me to the SCPSC, and this case was opened. It is my strong belief that the SCPSC opened this case because the SCPSC also wants Duke Energy Progress to answer the simple question. If LED light is not the same quality as HPS light, then Duke Energy Progress has defrauded the SCPSC and the residents of South Carolina. In fact, we have already shown that LED light is a lower quality light than HPS and that the results of the use of this low quality light is injuring the residents of South Carolina, both financially and medically.

The Soft Lights Foundation has made a significant effort to locate an attorney in South Carolina to represent the resident who is being injured by Duke Energy Progress, but without success. However, as we are only at a pre-hearing phase, a local attorney is not yet necessary nor required. The current task for the SCPSC is to simply find out if there is enough justification to move forward with a full Commission hearing. Since Duke Energy Progress is not willing to even address the issue of light quality, it seems obvious to me that Duke Energy Progress knows that the LED light quality is significantly lower spatially, spectrally, and temporally than HPS light and that South Carolina consumers are not receiving the quality of service that they are paying for and are having their health damaged.

I request that SCPSC take either or both of the following actions:

- 1) Continue with the pre-hearing and allow the Soft Lights Foundation to present the technical arguments as to why LED light is of such low quality and of such high toxicity, and to allow Duke Energy Progress experts to present their own arguments about the quality of LED light.
- 2) Initiate the SCPSC's own investigation into Duke Energy Progress' false claims of the light quality and energy efficiency of LED streetlights.

Sincerely,

Mark Baker
President
Soft Lights Foundation
www.softlights.org
mbaker@softlights.org

On Wed, May 25, 2022 at 10:34 AM Toni Hawkins <thawkins@robinsongray.com> wrote:

Attached please find a copy of Duke Energy Progress, LLC's Answer and Motion to Dismiss the Complaint which has been filed with the SCPSC in Docket No. 2022-155-E (*Mark Baker, Complainant/Petitioner v. Duke Energy Progress, LLC, Defendant/Respondent*).

Thank you.
Toni Hawkins



TONI HAWKINS PARALEGAL

DIRECT 803.227.1122

VCARD

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Supporting Green print wisely.